IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.11239-CAT of 2004

Date of Decision: 24.10.2006

Madan Lall Dawar .....Petitioner

Versus

Central Administrative Tribunal and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Rajesh Punj, Advocate
for the petitioner.

Mr.Puneet Jindal, Advocate for respondents 2 to 5.

***

J.S.KHEHAR, J. (Oral)

The petitioner was inducted into the service of the Railway establishment on 24.11.1952. He continued to be in the service of the respondents till 30.6.1991.

Through the Railway Board's letter dated 28.9.1988, the respondents introduced a scheme called the Retired Employees Liberalised Health Scheme (hereinafter referred to as the "RELHS"). The petitioner was permitted to enrol himself under the RELHS as its member on 27.9.1996. Through the instant writ petition, the petitioner claims medical re-imbursement on account of his afore-stated enrolment in the RELHS.

Before approaching this Court, the petitioner filed Original

Application No.1254/PB of 2002 before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as "the Tribunal"). The Tribunal dismissed the claim raised by the petitioner on 13.12.2002. It is, therefore, that the petitioner has approached this Court through the present Writ Petition, wherein, he has also challenged the order passed by the Tribunal dated 13.12.2002.

It would be pertinent to mention that the instant claim for medical re-imbursement raised by the petitioner is on account of a heart-attack suffered by the petitioner on 13.4.1996. The claim of the petitioner was declined both by the respondents as well as, by the Tribunal, on account of the fact that the medical treatment (for which he is claiming re-imbursement) was taken by him, for treatment incurred by the petitioner, on account of a disease suffered by him, before his enrolment in the RELHS. It is apparent that since the petitioner was not a member of the Scheme at the time when the medical infirmity suffered by him, he could not claim medical re-imbursement under the said Scheme.

Be that as it may, in order to overcome the objection raised by the respondents, it is the vehement contention of the learned counsel for the petitioner, that the delay in filing the aforesaid claim for medical re-imbursement was condoned by the authorities, and as such, the petitioner became entitled to medical re-imbursement after the delay in filing the claim was condoned.

It is not possible for us to accept the contention of the learned counsel for the petitioner, for the simple reason that the petitioner's enrolment under the RELHS was not pre-poned, to a date earlier than the date, when he suffered his medical infirmity i.e. earlier to 13.4.1996. Since,

admittedly the medical re-imbursement claim of the petitioner pertains to an illness on which the petitioner incurred expenses prior to his enrolment under the RELHS, we are of the view that the claim of the petitioner for medical re-imbursement is clearly mis-conceived. We accordingly uphold the order passed by the Tribunal dated 13.12.2002 as well as the action of the respondents in denying medical re-imbursement to the petitioner.

Dismissed.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

October 24, 2006
SRM